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FOOD DISTRIBUTION ADMINISTRATION

UNITED STATES DEPARTMENT OF AGRICULTURE

[Food Distribution Order 19]

PART 1455—SPICES

CONSERVATION AND DISTRIBUTION OF SPICES

Pursuant to the authority vested in me by Executive Order 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of spices to meet war and civilian needs, *It is hereby ordered*, As follows:

§ 1455.1 *Conservation and distribution of restricted spices*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(1) The term "person" means any individual, partnership, corporation, association, or other business entity.

(2) The term "restricted spice" means any specific spice which, during any quota period, is subject to a quota determined for that period by the Director, and shall include such spice in ground, unground, distilled, mixed, or other form.

(3) The term "bulk dealer" means any person who deals in restricted spices exclusively in original import packages.

(4) The term "packer" means any person who grinds, distills, or packs restricted spices owned by him, or has such spices ground, distilled, or packed for his account by some other person, for resale.

(5) The term "receiver" means any person who accepts delivery of restricted spices for resale at wholesale or retail or for use in operating a public or private commercial or institutional eating place, but such term shall include neither any bulk dealer nor any person in the quota-exempt classes listed under paragraph (b) (2).

(6) The term "industrial user" means any person who uses restricted spices in the manufacture or processing of any other product for resale.

(7) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(8) The term "common weight equivalent" means the number of pounds of distilled or extracted restricted spice that may be obtained from a given number of pounds of the same spice in dry form (ground or unground) where a quota for any person is computed under this order as a certain number of pounds of a restricted spice in dry form (ground or unground), or the number of pounds

of a restricted spice in dry form (ground or unground) that it takes to yield a given number of pounds of the same spice in distilled or extracted form where a quota for any person is computed under this order as a certain number of pounds of a restricted spice in distilled or extracted form.

(b) *Quota restrictions*. (1) Except as permitted in paragraphs (b) (2), (b) (3), and (b) (4) below, no packer shall deliver, no receiver shall accept, and no industrial user shall use more of any restricted spice during any quota period than his quota thereof for that period, such quota period and quota to be determined by the Director from time to time.

(2) Any person may, without charge to his quota, deliver or accept for delivery any restricted spice to any of the following persons, or may use any restricted spice in the manufacture or processing of any product to be so delivered, or for replacing in his inventory any restricted spice so delivered or used:

(i) The Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or any other governmental agency designated by the Director, or any agency of the United States Government for supplies to be delivered to, or for the account of, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The American National Red Cross or the United Service Organizations, Inc.

(iii) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessel.

(iv) Any person for retail sale through concession restaurants at Army, Navy, Marine Corps, or Coast Guard camps or through outlets not operated for private profit and established primarily for the use of Army, Navy, Marine Corps, or Coast Guard personnel within or on Army, Navy, Marine Corps, or Coast Guard establishments or vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship service stores.

(3) During the first third of any quota period, any person may utilize any unused portion of such person's quota for the preceding quota period. During the last third of any quota period, any person may utilize any portion of such per-

son's anticipated quota for the subsequent quota period: *Provided, however*, That if the quota for such subsequent quota period is reduced by the Director after such anticipatory utilization has been made, the amount of any excess anticipation shall be charged against the quota for the next subsequent quota period.

(4) The restrictions of paragraph (b) (1) shall not apply to any deliveries of restricted spices in the original import packages by a packer to another packer or to a bulk dealer. In determining a packer's volume of receipts or deliveries of restricted spices during any base period specified for computing a quota, no packer shall include any receipts or deliveries made in the original import packages to other packers or to bulk dealers.

(5) The base period for any person who was not in business during any base period specified by the Director for computing a quota hereunder shall be the earliest period of equal length that such person was in business after the beginning of the base period specified.

(6) All quotas hereunder shall be computed in terms of pounds and in terms of a common weight equivalent.

(c) *Distribution restrictions*. (1) No person shall accept restricted spices from any packer or receiver, and no person shall deliver restricted spices to any other person, with knowledge or reason to believe that such packer or receiver is not entitled to deliver or that such other person is not entitled to accept such restricted spices pursuant to this order.

(2) Every packer and every receiver shall sell restricted spices equitably to purchasers and shall not favor purchasers who buy other products from them or discriminate against purchasers who do not buy other products from them.

(d) *Inventory restrictions*. Except for the purpose of filling orders under paragraph (b) (2) above:

(1) No receiver shall accept delivery of any restricted spice which will increase such receiver's inventory thereof to an amount in excess of the amount of his then current quota of such spice.

(2) No industrial user shall accept delivery of any restricted spice which will increase his inventory thereof to an amount in excess of a practicable minimum working inventory in view of the restrictions herein relating to his use of such spice.

(3) No receiver who had an excess inventory of any restricted spice on May 8, 1942, may sell or deliver more than a 90-day supply of such spice during any quota period in which the balance of such inventory at any time exceeds a 90-day supply. During any quota period, a 90-day supply shall be an amount equivalent to the receiver's acceptance quota of the restricted spice for that quota period. An excess inventory shall be considered to have existed on May 8, 1942, if, on that date, the receiver was subject to a quota and his inventory of any restricted spice (excluding any inventory then in retail stores or outlets owned by him) was more than twice the amount of his acceptance quota for the month of May 1942.

(e) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(f) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of spices and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(g) *Applicability of order.* (1) Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(2) In the case of any person who combines two or more of the businesses of a packer, a receiver, or an industrial user, the provisions hereof applicable to each such business shall apply separately to such of his operations as are part of such class of business. However, any packer who distributes his entire production of restricted spices through a wholesale subsidiary company may elect to consider the two companies as one and apply his quota to deliveries made by the subsidiary company.

(3) Any person who operates more than one unit (branch, division, store, subsidiary company, or other similar unit) in the same class of business may, at his election, consider any such units or groups of units as separate persons for purposes of applying the quota and inventory restrictions of this order.

(h) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be

furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(j) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref.: FD-19.

(k) *Conservation Order M-127 superseded.* This order supersedes in all respects Conservation Order M-127 of the War Production Board, as amended September 25, 1942, (7 F.R. 7590), except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Conservation Order M-127, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M-127, as amended, shall be considered under paragraph (i) hereof.

(E.O. 9280, 7 F.R. 10179)

Issued this 8th day of February 1943.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[Food Distribution Order 19-1]

PART 1455—SPICES

QUOTAS FOR RESTRICTED SPICES FIXED

Pursuant to the authority vested in me by Food Distribution Order 19, dated

February 8, 1943, issued pursuant to Executive Order No. 9280, dated December 5, 1942, and to effectuate the purposes of such orders, *It is hereby ordered*, As follows:

§ 1455.2 *Quotas for restricted spices.*

(a) For the 3-month period commencing January 1, 1943, and for each subsequent 3-month period until otherwise ordered, the quota of any restricted spice, as listed below, for any packer, any receiver, or any industrial user shall be the percentage listed below of the amount of such spice delivered by him (if he was a packer), accepted by him (if he was a receiver), or used by him (if he was an industrial user), during the corresponding period of 1941, or during such other base period as is provided for in paragraph (b) (5) of Food Distribution Order No. 19:

Restricted spice:	Quota percentage
Black pepper	90
Cassia (cinnamon)	50
Cloves	100
Ginger	115
Mace	75
Nutmeg	75
Pimento (allspice)	75
White pepper	75

(b) In place of a quota computed pursuant to paragraph (a) above, any person may avail himself of a quota of a total of 100 pounds of any restricted spice or any combination of restricted spices.

(c) In place of a quota of white pepper computed pursuant to paragraph (a) above, any person may substitute a quota of black pepper, computed by applying the quota percentage specified for black pepper to the base quantity of white pepper specified in paragraph (a) above.

(d) This order shall be effective as of the close of business on December 31, 1942.

(e) This order supersedes in all respects Supplementary Order M-127-b of the War Production Board, as amended January 4, 1943 (8 F.R. 111), except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Supplementary Order M-127-b, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Supplementary Order M-127-b, as amended, shall be considered as an appeal from this order.

(E.O. 9280, 7 F.R. 10179; F.D.O. 19)

Issued this 8th day of February 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

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Food Distribution Administration
Washington 25, D. C.

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SPICES

Food Distribution Order No. 19, as amended, and 19-2

Questions and Answers

This statement is prepared for general distribution is intended to supply the answers to some of the questions raised by the public generally. For additional information write to the Director of Food Distribution, Attention, Order Administrator, Food Distribution Order No. 19, U. S. Department of Agriculture, Washington 25, D. C.

1. Q. Is a bulk dealer in spices regulated by the order?
 - A. No. A bulk dealer is a person who deals in whole spices in original packages only and may sell to other bulk dealers or packers.
2. Q. Just who is covered under the term "Packer"?
 - A. A packer means any person who grinds, distills, or packs spices owned by him, also one who has spices owned by him packed for his account by some other person, for resale. A wholesale grocer or chain store group, for instance, who buys spices already packed under his private label is not a packer, in this respect, but is a receiver.
3. Q. What is a receiver?
 - A. Generally, the term receiver covers all wholesale and retail grocers and chain stores, as well as restaurants, but is not necessarily restricted to these groups.
4. Q. What is an industrial user?
 - A. An industrial user comes under the head of manufacturers of various food products who buy spices from packers or other sources for use in the products they manufacture.
5. Q. How are essential oils of restricted spices considered under the order?
 - A. Essential oils are regulated on the basis of their net weight equivalent on the number of pounds of the spices in dry form (ground or unground) required to yield the given number of pounds of oil or extracts.
6. Q. What is the basis for determining quotas of the persons covered by the Order?

A. Quotas are based on the movement of the spices during the corresponding quarterly period of 1941. A packer's quota is based on his deliveries, a receiver's quota on his acceptances, and an industrial user's on his uses.

7. Q. Are sales to State and municipal institutions quota exempt as to the supplier?

A. No. Only sales to persons listed in the Order are quota exempt. A sale to an industrial user of spices to be used in the manufacture of a food product sold to governmental agencies, as defined in the Order, is also quota exempt.

8. Q. To whom may spices be sold quota exempt?

A. Restricted spices may be sold without charge to quota to the outlets defined as governmental agencies. The term "governmental agency" includes the armed services of the United States including post exchanges, sales commissaries, and ship service stores; the War Food Administration, which includes but is not restricted to the Federal Surplus Commodities Corporation; the War Shipping Administration; and the Veterans Administration. The following originally specified in FDO-19 are no longer considered quota exempt: United Service Organizations Inc., Concession Restaurants, officers' messes, and servicemen's clubs. The American National Red Cross also formerly specified is not quota exempt except for purchases through the Food Distribution Administration. Ocean-going vessels as formerly listed in the Order are not now quota exempt except as defined in the Order and under Food Regulation No. 2 under which ship operators' purchases are quota exempt, as well as contract schools as defined, and then only upon execution of the certificate specified in Regulation No. 2.

9. Q. May a person use an excess of quota in one quota period and deduct from a subsequent period to meet seasonal variations?

A. Only to the extent provided for in the Order which states that during the first third of any quota period any person may utilize any unused portion of his quota for the preceding period, or during the last third of any quota period he may utilize any portion of his anticipated quota for the subsequent period. If a quota for such subsequent period is reduced by the Director, any excess anticipated must be deducted from the next quota period.

10. Q. Are restricted spices in spice blends charged to the acceptance quota of a receiver?

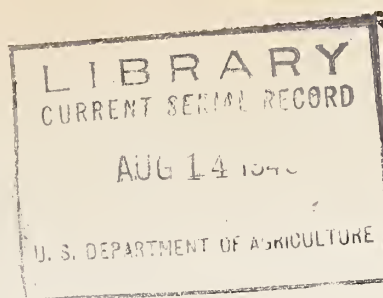
A. No. Any restricted spice blended with other restricted spices, or unrestricted spices or other products, may be accepted by the receiver without charge to his quota. For example, a receiver may accept any reasonable quantity of pickling spice which might contain various restricted spices without charge to his quota. The spices sold in such blends are chargeable to the delivery quota of the packer who supplied them. Restricted spice, whether in blends or not, is chargeable to the quota of an industrial user.

It is expected that equitable distribution will be maintained by both classes of trade since the receiver may endeavor to purchase an excessive amount but the packer may only deliver in accordance with his quota.

11. Q. May a person substitute a spice on which he has an excess for another on which he has used his quota?
 - A. No. Each restricted spice must be considered as an individual unit and figured on its specified quota percentage.
12. Q. May quotas be transferred?
 - A. Quotas are not transferable under the Order. However, if a business is sold as a going concern the purchaser may apply to the Director for permission to utilize the quotas of the discontinued business, furnishing full particulars of the transaction, and his request will be considered.
13. Q. Are receivers required to buy from the same suppliers in the same proportion as they did in 1941?
 - A. No. A receiver may accept a quantity of restricted spices in various sized containers or from various suppliers regardless of his experience in 1941 base period providing the quantity in pounds is within his quota as specified in the order.
14. Q. How may a person operate who was not in business during the 1941 base period?
 - A. He may use as his base the earliest period of equal length after he started in business.
15. Q. Is there any other method to figure a quota other than the 1941 base period or as covered in the previous questions?
 - A. Yes. Any person covered by the Order may use the alternative quota of 75 pounds quarterly of any one or combination of the restricted spices but not more than 40 pounds of this 75 pounds may consist of any spice or combination of spices having a quota percentage of 60 or less. For example, a person may use a quota of pepper - 20 pounds, cinnamon - 10 pounds, nutmeg - 10 pounds, total - 40 pounds; and he may use, in addition, the balance of the 75 pounds in the other 10 items that are over 60 percent. For example, ginger - 10 pounds, cloves - 10 pounds, allspice - 15 pounds, total 35 pounds. Those in the first group are 60 percent or less and those in the second group are over 60 percent in accordance with quota percentages now prevailing in Order 19.2. Of course, he may use the entire 75 pounds of spices with a quota percentage over 60.

16. Q. How may a multiple unit system or chain store use the alternative quota?
- A. Any person operating a group of stores may, under the provisions of FDO 19, § 1455.1 (g) (3), consider any such units or groups of units as separate persons for the purpose of applying the quota. He may, therefore, set aside certain stores to operate under the alternative quota and in such case must deduct the quota of such stores utilizing the alternative quota from his total quota.
17. Q. What reports are required?
- A. Bulk dealers are required to file quarterly reports showing inventory only. Packers and industrial users are required to file quarterly reports showing deliveries and uses, respectively, including detailed information as to quota exempt deliveries. The report also requires a statement of inventory at the close of the period and deliveries or uses for the corresponding base period. These reports are due the 15th day of the month following the close of each quarterly period.
18. Q. Does FDO 19 regulate prices of spices?
- A. No. Price regulations are issued by the Office of Price Administration.
19. Q. What relief is offered in cases where the Order works undue hardship?
- A. Any person covered by this Order who considers that compliance would work an unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director setting forth all pertinent facts and the nature of the relief sought.

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FDO 19

AMDT. 1
JUNE 28, 1943
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WAR FOOD ADMINISTRATION (Corrected copy)

[FDO 19, Amdt. 1]

PART 1455—SPICES

CONSERVATION AND DISTRIBUTION

Food Distribution Order No. 19, issued by the Acting Secretary of Agriculture on February 8, 1943 (8 F.R. 1827), is hereby amended to read as follows:

§ 1455.1 *Conservation and distribution of restricted spices*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof,

(1) The term "person" means any individual, partnership, corporation, association, or other business entity.

(2) The term "restricted spice" means any specified spice which, during any quota period, is subject to a quota determined for that period by the Director, and shall include such spice in ground, unground, distilled, mixed, or other form.

(3) The term "spice blend" means a mixture of a restricted spice with other restricted or unrestricted spices or some other material, which results in another product, such as, but not restricted to, pickling spice, curry powder, poultry seasoning, or imitation spice.

(4) The term "bulk dealer" means any person who deals in restricted spices exclusively in original import packages.

(5) The term "packer" means any person who grinds, distills, or packs restricted spice owned by him, or has such spice ground, distilled, or packed for his account by some other person, for resale.

(6) The term "receiver" means any person who accepts delivery of restricted spice for resale at wholesale or retail or for use in operating a public or private commercial or institutional eating place, but such term shall include neither any bulk dealer nor any governmental agency.

(7) The term "industrial user" means any person who uses restricted spice in the manufacture or processing of any other product for resale.

(8) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(9) The term "weight equivalent" means the number of pounds of dry restricted spice (ground or unground)

necessary to produce a given quantity of distilled or extracted spice.

(10) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing restricted spice in accordance with said Food Distribution Regulation 2.

(11) The term "Armed Services of the United States" means the Army, the Navy, Marine Corps, or Coast Guard of the United States.

(b) *Quota restrictions*. (1) Except as permitted in paragraphs (b) (2), (b) (3), and (b) (4) below, no packer shall deliver, no receiver shall accept, and no industrial user shall use more of any restricted spice during any quota period than his quota thereof for that period, such quota period and quota to be determined by the Director from time to time; *Provided*, That no receiver shall include, in computing his quota, or charge against his quota, any restricted spice or spices contained in a spice blend accepted by him.

(2) Any person may, without charge to his quota, deliver any restricted spice to a governmental agency or accept any restricted spice for delivery to a governmental agency or may use any restricted spice in the manufacture or processing of any product to be so delivered, or for replacing in his inventory any restricted spice so delivered or used.

(3) During the first third of any quota period, any person may utilize any unused portion of such person's quota for the preceding quota period. During the last third of any quota period, any person may utilize any portion of such person's anticipated quota for the subsequent quota period; *Provided, however*, That if the quota for such subsequent quota period is reduced by the Director

after such anticipatory utilization has been made, the amount of any excess anticipation shall be charged against the quota for the next subsequent quota period.

(4) The restrictions of paragraph (b) (1) shall not apply to any deliveries of restricted spices in the original import packages by a packer to another packer or to a bulk dealer. In determining a packer's volume of receipts or deliveries of restricted spice during any base period specified for computing a quota, no packer shall include any receipts or deliveries made in the original import packages to other packers or to bulk dealers.

(5) The base period for any person who was not in business during any base period specified by the Director for computing a quota hereunder shall be the earliest period of equal length that such person was in business after the beginning of the base period specified.

(6) All quotas hereunder shall be computed in terms of pounds and, if a distilled or extracted spice, the weight equivalent.

(c) *Distribution restrictions*. (1) No person shall accept restricted spice from any packer or receiver, and no person shall deliver restricted spice to any other person, with knowledge or reason to believe that such packer or receiver is not entitled to deliver or that such other person is not entitled to accept such restricted spice pursuant to this order.

(2) Every packer and every receiver shall sell restricted spice equitably to purchasers and shall not favor purchasers who buy other products from them or discriminate against purchasers who do not buy other products from them.

(d) *Inventory restrictions*. Except for the purpose of filling orders under paragraph (b) (2) above:

(1) No receiver shall accept delivery of any restricted spice which will increase such receiver's inventory thereof to an amount in excess of the amount of his then current quota of such spice; *Provided*, That this restriction shall not apply to the quantity of restricted spice contained in a spice blend accepted by any such receiver.

(2) No industrial user shall accept delivery of any restricted spice which will increase his inventory thereof to an amount in excess of a practicable minimum working inventory, in view of the

restrictions herein relating to his use of such spice.

(3) No receiver who had an excess inventory of any restricted spice on May 8, 1942, may sell or deliver more than a 90-day supply of such spice during any quota period in which the balance of such inventory at any time exceeds a 90-day supply. During any quota period, a 90-day supply shall be an amount equivalent to the receiver's acceptance quota of the restricted spices for that quota period. An excess inventory shall be considered to have existed on May 8, 1942, if, on that date, the receiver was subject to a quota and his inventory of any restricted spice (excluding any inventory then in retail stores or outlets owned by him) was more than twice the amount of his acceptance quota for the month of May 1942.

(e) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of spice of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* (1) Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(2) In the case of any person who combines two or more of the businesses of a packer, a receiver, or an industrial user, the provisions hereof applicable to each such business shall apply separately to such of his operations as are part of such class of business. However, any packer who distributes his entire production of restricted spices through a wholesale subsidiary company may elect to consider the two companies as one and apply his quota to deliveries made by the subsidiary company.

(3) Any person who operates more than one unit (branch, division, store, subsidiary company, or other similar unit) in the same class of business may, at his election, consider any such units or groups of units as separate persons for purposes of applying the quota and inventory restrictions of this order.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using spice, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any

or all of the authority vested in him by this order.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD-19.

(l) *Saving clause.* (1) With respect to any violation of supplementary order M-127, as amended (7 F.R. 7590), issued by the War Production Board, during the time said order, as amended, was in effect, said supplementary order M-127, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to such violation.

(2) With respect to any violation of Food Distribution Order No. 19, prior to the effective time hereof, said food distribution order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation.

(m) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of June 1943.

JESSE W. TAPP,
Acting War Food Administrator.

Press Release Immediate:
Tuesday, June 29, 1943.

Reduction in the quotas of pepper and cinnamon available to packers, receivers and industrial users for the third quarter of 1943 was ordered today by the War Food Administration.

Black and white pepper quotas were reduced to 40 percent of the base period, compared to 60 percent last quarter and cassia—or cinnamon—to 35 percent, compared to 40. The base period in each case is the corresponding quarter of 1941. Quotas for other restricted spices remain unchanged—cloves—90 percent, ginger 100 percent, mace 40 percent, nutmeg 60 percent and allspice 115 percent.

Officials said the disappearance of pepper earlier this year had exceeded expectations, making it impossible to provide a 50 percent quota basis during the third quarter, as anticipated. It is expected, however, that the revised quotas for pepper and cinnamon will provide an equitable distribution of available supplies.

The spice quota revisions were made effective in a new order of the Director of Food Distribution, No. 19.2, effective July 1, which supersedes 19.1 as amended.

A further change in the new order reduces the amount of restricted spices available under an alternative quota, that is, a quota not computed as a percentage of the base period. The total amount of all restricted spices available under such an alternative quota during a particular quarter is reduced from 100 pounds to 75 pounds, of which not more than 40 pounds may consist of spices with a quota percentage of 60 or less—at present pepper, cinnamon, mace and nutmeg, or a combination of these spices.

Under an amendment to the basic spice order, FDO 19, in the future spices which are sold by processors in the various blends—such as pickling spice, curry powder, poultry seasoning, and also imitation spices—will not be included in the quotas of receivers, since the distribution of spices for blending is controlled at the packer level. In computing their quotas,

packers must continue to account for restricted spices used for blending, and are expected to maintain equitable distribution.

The amended order includes, under "definitions," a revision of the term "Governmental agency." Only Governmental agencies are eligible to receive quota-exempt spices. The term now covers the Armed Services—including post exchanges, and ships service departments, and sales commissaries—the Food Distribution Administration, War Shipping Administration, Veterans' Administration, agencies which may be designated by the War Food Administrator, and "contract schools" and "ship operators," as defined in Food Distribution Regulation No. 2. Agencies no longer eligible to receive quota-exempt spices include American Red Cross organizations—unless purchased for them by the Food Distribution Administration—United Service Organization, concession restaurants at service camps, officers messes and service men's clubs.

FDO 19-1

AMENDMENT 1
MARCH 31, 1943

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U. S. DEPARTMENT OF AGRICULTURE

FOOD DISTRIBUTION ADMINISTRATION

UNITED STATES DEPARTMENT OF AGRICULTURE

PART 1455—SPICES

[FDO 19-1, Am. 1]

RESTRICTED SPICES QUOTAS

Pursuant to the authority vested in me by Food Distribution Order No. 19 (8 F.R. 1827), issued by the Secretary of Agriculture of the United States on February 8, 1943, under the authority of Executive Order No. 9280, dated December 5, 1942, and in order to effectuate the purposes of such orders, *It is hereby ordered*, That Director Food Distribution Order No. 19-1 (8 F.R. 1829) be, and the same hereby is, amended to read as follows:

§ 1455.2 Quotas for restricted spices.

(a) For the quarterly period of three months beginning on April 1, 1943, and for each subsequent quarterly period of

three months, the quota of any restricted spice, as listed hereinafter, for any packer, any receiver, or any industrial user shall be the following percentage of the amount of such spice delivered by such person (if a packer), accepted by such person (if a receiver), or used by such person (if an industrial user) during the corresponding quarterly period of 1941 or during such other base period as is provided for in § 1455.1 (b) (5) of Food Distribution Order No. 19:

Restricted spice:	Quota percentage
Black pepper.....	45
Cassia (cinnamon).....	30
Cloves.....	90
Ginger.....	100
Mace.....	40
Nutmeg.....	60
Pimento (allspice).....	75
White pepper.....	45

(b) Any packer may, in lieu of a quota computed pursuant to (a) hereof, avail himself of a quota of a total of one hundred pounds of any restricted spice or any combination of restricted spices.

(c) This order shall take effect at 12:01 a. m., e. w. t., April 1, 1943. With respect to any violation of Director Food Distribution Order No. 19-1 prior to the effective time of this amendment, Director Food Distribution Order No. 19-1 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation.

(E.O. 9280, 7 F.R. 10179; F.D.O. No. 19, 8 F.R. 1827.)

Issued this 31st day of March 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

Press Release Immediate:
March 31, 1943.

Quotas of black pepper and other restricted spices that may be delivered for distribution in civilian consumer channels were reduced today as a means of further stretching present stocks of these imported commodities, the Department of Agriculture announced.

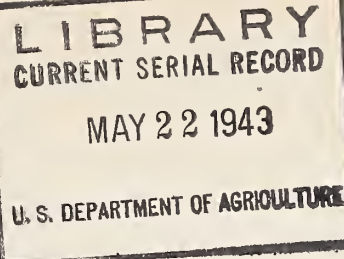
The usual sources of supply of these spices have been cut off partially or entirely by the war, and shipping space for importations is very limited, even when the spices are available.

The revised quotas were given effect in an amendment to Director Food Distribution Order No. 19.1 and will become effective April 1, 1943. Purpose of the order is to assure an equitable distribution of spices among the various packers, industrial users and wholesalers of the spice industry.

The base period used in computing revised spice quotas is unchanged. A packer's quota is based on his deliveries, a receiver's quota on his acceptances, and an industrial user's quota on his usage

during the corresponding period of 1941. The new quotas for the 3-month period beginning April 1, 1943, together with those previously in effect, are:

Restricted spices:	New quota per- centage	Previous quota per- centage
Black pepper.....	45	90
Cassia (cinnamon).....	30	50
Cloves.....	90	100
Ginger.....	100	115
Mace.....	40	75
Nutmeg.....	60	75
Pimento (allspice).....	100	75
White pepper.....	45	75

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FDO 19-1
AMENDMENT 2
APRIL 26, 1943

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

[FDO 19-1, Amendment 2]

PART 1455—SPICES**RESTRICTED SPICES QUOTAS**

Pursuant to the authority vested in me by Food Distribution Order No. 19 (8 F.R. 1827), issued by the Secretary of Agriculture of the United States on February 8, 1943, under the authority of Executive Order No. 9280, dated December 5, 1942, and in order to effectuate the purposes of such orders, *It is hereby ordered*, That Director Food Distribution Order No. 19-1 (8 F.R. 1829), as amended, be, and the same hereby is, amended as follows:

1. By deleting from § 1455.2 (a) the column entitled "Restricted spice" and the quota percentage for each spice designated in such column, and inserting, in lieu thereof, the following:

Restricted spice:	Quota percentage
Black pepper.....	60
Cassia (cinnamon)	40
Cloves.....	90
Ginger.....	100
Mace.....	40
Nutmeg.....	60
Pimento (allspice).....	115
White pepper.....	60

2. By deleting from the aforesaid order the provisions in § 1455.2 (b) and

inserting, in lieu thereof, the following:
Any packer, any receiver, or any industrial user may, in lieu of a quota computed pursuant to (a) hereof, avail himself of a quota of one hundred pounds of any restricted spice or any combination of restricted spices.

The provisions of this amendment shall take effect at 12:01 a. m., E. W. T., April 27, 1943.

(E.O. 9280, 7 F.R. 10179; F.D.O. 19, 8 F.R. 1827)

Issued this 26th day of April 1943.

[SEAL] ROY F. HENDRICKSON,
Director.

Press Release Immediate:
Monday, April 26, 1943.

To prepare for the spice needs of increased home canning and cooking during the summer months, the War Food Administration today increased the quota of black and white pepper, cinnamon and allspice applying at the manufacturer-wholesaler level.

Amendment No. 2 to Food Distribution Order No. 19.1 effective April 27, raises the quota of black and white pepper for the quarterly period beginning April 1, 1943, from 45 to 60 percent of the corresponding quarter of 1941. The quota percentage for cinnamon (cassia) was increased from 30 to 40 percent. In view of recently increased supplies of allspice, a spice produced extensively in the British West Indies, the quota level was raised from 100 to 115 percent.

Officials pointed out, however, that there has been no change in the supply

position of black pepper and cinnamon, spices normally obtained from the Far East. In order to maintain a desirable supply level, it is contemplated that black and white pepper quotas will be reduced to 50 percent during the third quarter of 1943 and 40 percent during the fourth quarter, and that the cinnamon quota will revert to 30 percent for both quarters.

In addition the usual seasonal demand for spices during the summer months when fresh foods are available for home canning and preserving, the need will probably be greater this year because of wartime conditions. Housewives are doing more "home-processing" of foods and home cooking, and many are preparing to can or preserve more of the fresh vegetables raised in Victory Gardens, or expanded farm gardens. These developments were considered at the recent meeting of the Spice Food Advisory

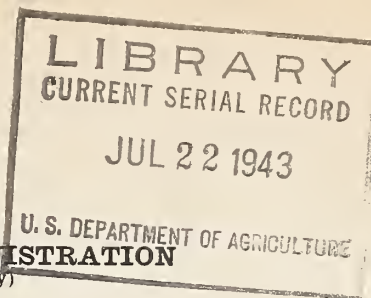
Committee of the Food Distribution Administration.

Quotas for packers, receivers and industrial users of spices for the three-month period beginning April 1, 1943, together with those previously in effect, are:

Restricted spices	New quota percentage	Previous quota percentage
Black pepper.....	60	45
Cassia (cinnamon).....	40	30
Cloves.....	90	90
Ginger.....	100	100
Mace.....	40	40
Nutmeg.....	60	60
Pimento (allspice).....	115	100
White pepper.....	60	45

The new amendment also provides that packers, receivers and industrial users as defined by the order may avail themselves of an alternate restricted spice quota.

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FDO 19-2
JUNE 28, 1943
Corrected copy

WAR FOOD ADMINISTRATION
(Corrected copy)

PART 1455—SPICES

[FDO 19-2]

RESTRICTED QUOTAS

Pursuant to the authority vested in me by Food Distribution Order No. 19 (supra), as amended, effective under Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and to effectuate the purposes of such orders, *It is hereby ordered*, as follows:

§ 1455.3 Quotas for restricted spices.

(a) For the quarterly period of three months beginning on July 1, 1943, and for each subsequent quarterly period of three months, the quota of any restricted spice, as listed hereinafter, for any packer, any receiver, or any industrial user shall be the following percentage of the amount of such spice delivered by such person (if a packer), accepted by such person (if a receiver), or used by such person (if an industrial user) during the corresponding quarterly period of 1941 or during such other base period as is provided for in § 1455.1 (b) (5) of Food Distribution Order No. 19, as amended:

Restricted spice:	Quota Percentage
Black pepper.....	40
Cassia (cinnamon).....	35
Cloves.....	90
Ginger.....	100
Mace.....	40
Nutmeg.....	60
Pimento (allspice).....	115
White pepper.....	40

(b) In lieu of a quota computed pursuant to (a) hereof, any packer, receiver, or industrial user may avail himself of a quota for any quota period of three months as specified herein of a total of 75 pounds of any restricted spice or any combination of restricted spices: *Provided*, That no more than 40 pounds of such 75 pounds alternative quota may consist of any restricted spice or any combination of restricted spices, exclusive of spice blends, having a quota percentage of 60 or less: *Provided, further*, That no person who avails himself of the provisions of § 1455.1 (g) (3) of Food Distribution Order No. 19, as amended, shall, in computing his quota pursuant to (a) hereof, include amounts of any restricted spice or any combination of restricted spices, exclusive of spice blends, delivered, accepted, or used in his business unit or units, for which he has availed himself of the alternative quota as permitted hereunder.

(c) Each packer, receiver, and industrial user shall correctly complete Form

FDO 19-1 and submit such completed form to the Director of Food Distribution, War Food Administration, Washington, D. C., Ref. FD-19, on or before the 15th day of the month following the termination of each such quota period. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(d) This order supersedes in all respects Director Food Distribution Order No. 19-1, issued by the Director of Food Distribution on February 8, 1943, as amended, except that, as to violations of said order, as amended, or rights accrued, liabilities incurred, or appeals taken under said order, said Director Food Distribution Order No. 19-1, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(e) This order shall take effect at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R.10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 19, 8 F.R. 1827)

Issued this 28th day of June 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

Press Release Immediate:
Tuesday, June 29, 1943.

Reduction in the quotas of pepper and cinnamon available to packers, receivers and industrial users for the third quarter of 1943 was ordered today by the War Food Administration.

Black and white pepper quotas were reduced to 40 percent of the base period, compared to 60 percent last quarter and cassia—or cinnamon—to 35 percent, compared to 40. The base period in each case is the corresponding quarter of 1941. Quotas for other restricted spices remain unchanged—cloves 90 percent, ginger 100 percent, mace 40 percent, nutmeg 60 percent and allspice 115 percent.

Officials said the disappearance of pepper earlier this year had exceeded expectations, making it impossible to provide a 50 percent quota basis during the third quarter, as anticipated. It is expected, however, that the revised quotas for pepper and cinnamon will provide an equitable distribution of available supplies.

The spice quota revisions were made effective in a new order of the Director of Food Distribution, No. 19.2, effective July 1, which supersedes 19.1 as amended.

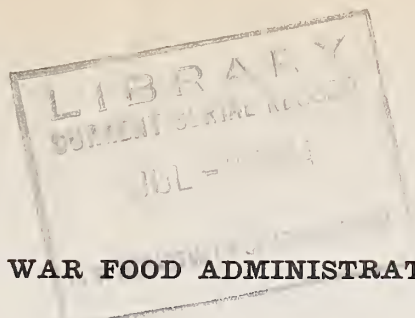
A further change in the new order reduces the amount of restricted spices available under an alternative quota, that is, a quota not computed as a percentage of the base period. The total amount of all restricted spices available under such an alternative quota during a particular quarter is reduced from 100 pounds to 75 pounds, of which not more than 40 pounds may consist of spices with a quota percentage of 60 or less—at present pepper, cinnamon, mace and nutmeg, or a combination of these spices.

Under an amendment to the basic spice order, FDO 19, in the future spices which are sold by processors in the various blends—such as pickling spice, curry powder, poultry seasoning, and also imitation spices—will not be included in the quotas of receivers, since the distribution of spices for blending is

controlled at the packer level. In computing their quotas, packers must continue to account for restricted spices used for blending, and are expected to maintain equitable distribution.

The amended order includes, under "definition," a revision of the term "Governmental agency." Only Governmental agencies are eligible to receive quota-exempt spices. The term now covers the Armed Services—including post exchanges, and ships service departments, and sales commissaries—the Food Distribution Administration, War Shipping Administration, Veterans Administration, agencies which may be designated by the War Food Administrator, and "contract schools" and "ship operators," as defined in Food Distribution Regulation No. 2. Agencies no longer eligible to receive quota-exempt spices include American Red Cross organizations—unless purchased for them by the Food Distribution Administration—United Service Organization, concession restaurants at service camps, officers messes, and service men's clubs.

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FDO 19-2

AMDT. 1

FDO 19

AMDT. 2

FEB. 29, 1944

WAR FOOD ADMINISTRATION

[FDO 19-2, Amdt. 1]

PART 1455—SPICES

RESTRICTED SPICES QUOTAS

Director Food Distribution Order No. 19-2, § 1455.3 (8 F.R. 8918, 9177), issued by the Director of Food Distribution on June 28, 1943, is amended to read as follows:

§ 1455.3 *Quotas for restricted spices.* (a) When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, each term defined in Food Distribution Order No. 19, as amended, shall have the same meaning as is set forth for such term in said Food Distribution Order No. 19, as amended.

(b) For the quarterly period of three months beginning on January 1, 1944, and for each subsequent quarterly period of three months, the quota of each restricted spice, as listed hereinafter, for each packer, receiver, and industrial user shall be the following percentage of the amount of such spice delivered by the respective packer, accepted by the respective receiver, or used by the respective industrial user during the corresponding quarterly period of 1941 or during such other base period as is provided for in § 1455.1 (b) (2) of Food Distribution Order No. 19, as amended:

Restricted spice:	Quota percentage
Black pepper and white pepper.....	40
Cassa (cinnamon).....	35
Ginger.....	100
Mace.....	80
Nutmeg.....	70

(c) In lieu of a quota computed pursuant to (a) hereof, any packer, receiver, or industrial user may avail himself of a quota for any quota period of three months, as specified herein, of a total of 75 pounds of any restricted spice or any combination of restricted spices: *Provided*, That no more than 40 pounds of such 75 pounds alternative quota may consist of any restricted spice or any combination of restricted spices, exclusive of spice blends, having a quota percentage of 60 or less: *Provided, further*, That no person who avails himself of the provisions of § 1455.1 (g) (2) of Food Distribution Order No. 19, as amended, shall, in computing his quota pursuant to (b), hereof, include amounts of any restricted spice or any combination of restricted spices, exclusive of spice blends, delivered, accepted, or used in his business unit or units, for which he

has availed himself of the alternative quota as permitted hereunder.

(d) Each bulk dealer and each packer shall correctly complete Form FDO 19-1 for each quota period and submit such completed form to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD-19, on or before the 15th day of the month following the termination of each such quota period.

(e) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) This order supersedes in all respects Food Distribution Order No. 19-1, issued by the Director of Food Distribution on February 8, 1943, as amended, except that, as to violations of said order, as amended, or rights accrued, liabilities incurred, or appeals taken under said order, or any violation of Food Distribution Order No. 19-2, rights accrued, or appeals taken under said Food Distribution Order No. 19-2, said Food Distribution Order No. 19-1, as amended, and Food Distribution Order No. 19-2 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(g) This order shall become effective as of 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 14783; FDO 19, 8 F.R. 1827)

Issued this 29th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[FDO 19, Amdt. 2]

PART 1455—SPICES

RESTRICTED SPICES

Food Distribution Order No. 19, issued by the Acting Secretary of Agriculture on February 8, 1943, as amended (8 F.R. 1827, 8916), is further amended to read as follows:

§ 1455.1 *Conservation and distribution of restricted spices—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) Office of Distribution, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase any restricted spice subject to this order.

(4) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(5) The term "restricted spice" means any spice designated by the Director which, during any quota period, is subject to a quota fixed for that period by the Director, and shall include such spice in ground, unground, distilled, mixed or other form. Such term shall also include the quantity of each such restricted spice which is contained in a spice blend.

(6) The term "spice blend" means the mixture of restricted spice with other restricted or unrestricted spice or some other material, which results in another spice product, such as, but not restricted to, pickling spice, curry powder, poultry seasoning, or imitation spice.

(7) The term "bulk dealer" means any person who deals in restricted spice exclusively in the original import package.

(8) The term "packer" means any person who grinds, distills, or packs restricted spice owned by him, or has such spice ground, distilled, or packed for his account by some other person, for resale.

(9) The term "receiver" means any person who accepts delivery of restricted spice for resale at wholesale or retail, or for use in operating a public, private, commercial, or institutional eating place, but such term shall include neither any

bulk dealer nor any governmental agency.

(10) The term "industrial user" means any person who uses restricted spice in the manufacture or processing of any product, other than a spice blend, for resale.

(11) The term "weight equivalent" means the number of pounds of dry restricted spice (ground or unground) necessary to produce a given quantity of distilled or extracted spice.

(b) *Quota restrictions.* (1) Except as otherwise permitted by the provisions hereof, no packer shall deliver, no receiver shall accept, and no industrial user shall use more of any restricted spice during any quota period than his quota for such restricted spice for that period; such quota period and quota to be determined by the Director from time to time: *Provided*, That no receiver shall include, in computing his quota, or charge against his quota, any restricted spice or restricted spices contained in a spice blend accepted by him.

(2) The base period for any person who was not in business during any base period specified by the Director for computing a quota hereunder shall be the earliest period of equal length that such person was in business after the beginning of the base period so specified by the Director.

(3) All quotas hereunder shall be computed in terms of pounds and, if a distilled or extracted spice, the weight equivalent.

(c) *Unused quotas.* Any person who does not utilize, during any quota period, his quota of restricted spice for such quota period may utilize the unused portion of such quota only in the next succeeding quota period and then only if he has used his entire quota for such subsequent quota period.

(d) *Exemptions.* (1) Restricted spice delivered to a governmental agency or used in the manufacture of a product delivered to a governmental agency shall not be charged to the delivery, acceptance, or use quota of the person who so delivers or uses such restricted spice. Restricted spice obtained by any person for delivery to a governmental agency, use in the manufacture of a product delivered to a governmental agency, replacing restricted spice so delivered or used, or delivered to a third person for any such use shall not be charged to the delivery, acceptance, or use quota of either the person obtaining the restricted spice, or the person from whom such restricted spice is obtained, if the person who so obtains the restricted spice certifies in writing to the supplier thereof that the restricted spice so delivered is to be utilized for any of the foregoing purposes.

(2) No person shall, in computing his quota, include any quantity of restricted spice which was delivered to, or used in the manufacture of any product delivered to, a governmental agency in the base period.

(3) The restrictions of (b) (1) shall not apply to any deliveries of restricted spice in the original import package by a

packer to another packer or to a bulk dealer. In determining a packer's volume of deliveries of restricted spice during the base period specified for computing a quota, no packer shall include any deliveries of restricted spice made in the original import package to other packers or to bulk dealers.

(e) *Distribution restrictions.* (1) No person shall accept restricted spice from any bulk dealer, packer, or receiver, and no person shall deliver restricted spice to any other person, with knowledge or reason to believe that such bulk dealer, packer, or receiver is not entitled to deliver such restricted spice or that such other person is not entitled to accept such restricted spice pursuant to the provisions of this order.

(2) Each bulk dealer, packer, and receiver shall sell restricted spice equitably to purchasers and shall not favor purchasers who buy other products from them or discriminate against purchasers who do not buy other products from them.

(f) *Inventory restrictions.* Except for the purpose of filling orders under (d) (1) hereof:

(1) No packer shall accept, during any quota period, delivery of a quantity of black or white pepper which will cause the total quantity of black pepper and white pepper owned by such person to be in excess of an amount equal to the sum of such packer's delivery quotas for black pepper and white pepper for the then current quota period and the next succeeding quota period.

(2) No receiver shall accept, during any quota period, delivery of any restricted spice which will cause the total quantity of such restricted spice owned by the respective receiver to exceed his quota for such restricted spice for such quota period: *Provided*, That this restriction shall not apply to the quantity of restricted spice contained in a spice blend accepted by any such receiver.

(3) No industrial user shall accept, during any quota period, delivery of a quantity of any restricted spice which will cause the total quantity of such restricted spice which is owned by him to exceed a practicable minimum working inventory, in view of the restrictions herein relating to his use of such spice.

(g) *Applicability of order.* (1) Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business exclusively within any Territory or Possession of the United States with respect to such business.

(2) In the case of any person who combines two or more of the businesses of a packer, a receiver, or an industrial user, the provisions hereof applicable to each such business shall apply separately to such of his operations as are part of such class of business. However, any packer who distributes his entire production of restricted spices through a wholesale subsidiary company may elect to consider the two companies as one and

apply his quota to deliveries made by the subsidiary company.

(3) Any person who operates more than one unit (branch, division, store, subsidiary company, or other similar unit) in the same class of business may, at his election, consider any such units or groups of units as separate persons for purposes of applying the quota and inventory restrictions of this order.

(h) *Contracts.* The provisions of this order, or of any orders or regulations issued in pursuance hereof, shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of any person's books, records and other writings, premises or stocks of spice, and to make such investigations as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(j) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall maintain, for at least two years, or for such period of time as the Director may designate, an accurate record of his transactions in spices.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(m) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material or facilities subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or

using materials or facilities subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall,

unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD 19.

(o) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of Food Distribution Order No. 19, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution

Order No. 19, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration, Summary to FDO 19 Amendment 2 and 19.2 Amendment 1.

Cloves and pimento have been withdrawn from quota restrictions while quotas on mace and nutmeg have been raised as a result of greater supplies of those spices due to improved shipping conditions, the War Food Administration said today.

The quota on mace, based on 1941 supplies, has been raised from 40 to 80 percent and the nutmeg quota from 60 to 70 percent.

These changes, effective January 1, 1944, were announced in an amendment to Food Distribution Order 19.2.

The revisions on spice quotas are as follows:

Spice	Pre- vious quota	New quota
	Percent	
Black pepper and white pepper.	40	40% (unchanged).
Cassia (cinnamon).....	35	35% (unchanged).
Cloves.....	90	(Withdrawn.)
Ginger.....	100	100% (unchanged).
Mace.....	40	80%.
Nutmeg.....	60	70%.
Pimento (allspice).....	115	(Withdrawn.)

The Amendment also provides that black and white pepper may be taken as a total of both or as one. The quota may be applied for either or both, according to the base period (1941) of either or both.

Another change in the order requires only bulk dealers and packers to submit quarterly reports as provided in form FDO 19-1. While receivers are not required to report to Washington, all distributors participating in the resale of restricted spices which would include wholesale and retail grocers as well as hotels, restaurants or institutions, are regulated by the order, therefore, must maintain their own proper records to determine that they are operating within their permissible quotas.

Although cloves and pimento have been withdrawn from quota restrictions, bulk dealers and packers are still required to include inventories on those spices in their quarterly reports.

Changes in the definitions of "spice blend" and "industrial user" are provided in an amendment to FDO 19, amendment 2, effective March 1, 1944. Spice blends are now distinguished from other foods such as sausage or mincemeat which may contain spices. The amendment also provides that the spice packer preparing

and delivering spice blends shall operate on a delivery quota basis for the restricted spices delivered in such blends.

The amendment also provides that any unused portion of a quota may be used any time during the next quota period only and then only after the regular quota has been utilized. Use of quotas in anticipation, however, is no longer permitted.

Under the new amendment, deliveries of restricted spices to governmental agencies, whether direct or indirect, are quota exempt. The purchaser, that is, the receiver or industrial user, however, must furnish a certificate to his supplier.

The amendment also provides that restricted spices delivered to quota exempt agencies in 1941 shall not be included in computing present quotas for civilian delivery.

Bulk dealers are added to the provisions for equitable distribution of spices to receivers without discrimination, according to the amendment.

The order also was amended to prohibit packers from accepting black or white pepper in excess of a quantity that will cause their stocks to be more than their aggregate delivery quotas for the current and the next succeeding quota period.



133F

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

To: All Regional Offices, Food Distribution Administration

From: Fletcher H. Long, Administrator, FDO 19, Spices

Subject: Summary No. 7 for Inclusion in the Loose-Leaf Docket of
FDO 19 (December 8, 1943)

No amendments have been issued to this order since the previous summary.

Only one new appeal has been received and granted. This covered the same point as several previous ones requesting transfer of unused quotas from previous periods.

The question has been raised as to whether exports of whole or ground spices by a packer are to be chargeable to his delivery quota. If sold to regular trade in a foreign country they are chargeable to quota. If they are sold to a Government agency as defined in the order, and exported by such agency they are not chargeable to quota.

Subject: Summary No. 8 for Inclusion in the Loose-Leaf Docket of
FDO 19 (January 13, 1944)

Paragraph C in FDO 19.2 requires that each packer, receiver and industrial user shall complete Form FDO-19-1 quarterly. It is not intended, however, at this time to require this report form from receivers or industrial users. It is required and is so specified on Form FDO-19-1 that bulk dealers must report inventories only and packers must report inventories and deliveries. It is expected that this paragraph will be clarified when the next amendment is issued.

There has been an indication of a lack of knowledge of this order in some territories, especially on the part of receivers, which classification includes wholesale and retail grocers as well as restaurants and institutions accepting spices. While this group is not required to submit reports, it is desirable that all receivers be kept posted as to the provisions of the order. Receivers should realize that they must observe the provisions of the order and maintain proper records as provided for, so that they may determine their position and regulate their acceptances in accordance with the quota percentages prescribed. It is not considered necessary that the regional offices devote undue time and effort towards checking compliance of receivers but it is advisable that all possible publicity be given the order by distribution of copies and education through the various associations. Activity along these lines on the part of the regional offices will prove most helpful and be appreciated by this office.

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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

January 13, 1944

To: All Regional Offices, Food Distribution Administration

From: Fletcher H. Long, Administrator, FDO 19, Spices

Subject: Summary No. 8 for Inclusion in the Loose-Leaf Docket
of FDO 19

No amendments to this order have been issued since the previous summary.

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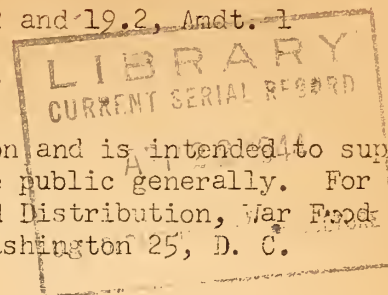
WAR FOOD ADMINISTRATION
Office of Distribution
Washington 25, D. C.

SPICES

April, 1944

Food Distribution Order No. 19, Amdt. 2 and 19.2, Amdt. 1

Questions and Answers



This statement is prepared for general distribution and is intended to supply the answers to some of the questions raised by the public generally. For additional information write to the Director, Food Distribution, War Food Administration, U.S. Department of Agriculture, Washington 25, D. C.
Ref: FDO 19.

1. Q. Who is a bulk dealer in spices and how is he regulated by the order?
 - A. A bulk dealer is a person who deals in restricted spices in the original import package exclusively. He is not regulated by general provisions of the order but is required to observe equitable distribution and is required to submit quarterly report Form FDO-19-1 showing inventories only.
2. Q. Who is a packer and how is he regulated by the order?
 - A. A packer is any person who grinds, distills or packs spices owned by him, also one who has spices owned by him packed for his account by some other person for resale. (A wholesale or retail grocer, for instance, who buys spices already packed under his private label is not a packer but is a receiver if he did not own the spices at the time they were packed.) A packer is regulated by a delivery quota based on his deliveries of restricted spices quarterly during 1944. The only inventory restriction regulating a packer limits his acceptances of pepper to a quantity which, including his stock, will not exceed his quota for the current and next succeeding quota period. A packer is also required to submit Form FDO-19-1 quarterly showing inventories and deliveries.
3. Q. May a packer deliver any quantity of restricted spice which his receiver and industrial user customers may certify their eligibility to receive?
 - A. No. A packer must determine his own delivery quotas as specified in the order. He is required, however, to observe equitable distribution and should also guide his customers to see that they are operating within their permissible quotas. It is well to require a statement from them to this effect.
4. Q. Who is a receiver and how is he regulated by the order?
 - A. Generally, the term receiver covers all wholesale and retail grocers (both independent and chain) as well as restaurants, but is not necessarily restricted to these groups. A receiver is regulated by acceptance quotas of restricted spices based on his 1944 quarterly acceptances. His inventory is also regulated to the extent that he may not accept delivery of restricted spices which will cause his total inventory to exceed his quota for the current quota period. A receiver is not required to submit any report forms to Washington unless specifically requested.

5. Q. Who is an industrial user and how is he regulated by the order?

A. An industrial user is a manufacturer who uses restricted spices in the processing of any product other than a spice blend for resale. He is regulated by a quota based on his uses quarterly during 1941. His inventory is regulated to the extent that he may not accept delivery during any quota period of restricted spices which will cause his total inventory to exceed a practicable minimum working inventory. He is not required to submit report forms to Washington unless specifically requested.

6. Q. How are essential oils made from restricted spices considered under the order?

A. Essential oils are regulated on the basis of their net weight equivalent on the number of pounds of the spices in dry form (ground or unground) required to yield the given number of pounds of oil or extracts.

7. Q. How are quotas determined?

A. A person's quota is determined by applying the quota percentage of each restricted spice specified in the order to his corresponding calendar quarterly 1941 deliveries if a packer, acceptances if a receiver, and uses if an industrial user.

8. Q. To whom may spices be sold quota exempt?

A. Restricted spices may be sold without charge to quota only to the governmental agencies as defined in the order. Such deliveries are exempt from the quota of any person delivering restricted spices to or for a governmental agency. For example, if a packer delivers spice to an industrial user for the processing of a food product to be delivered to a government agency, such spice is quota exempt to both the packer and the industrial user. The purchaser must certify in writing to his suppliers that the spice is for this purpose.

9. Q. How are deliveries to quota exempt agencies to be considered when computing quotas?

A. No person shall, in computing his quota, include any quantity of restricted spice which was delivered to, or used in the manufacture of any product delivered in the base period to a governmental agency now defined as quota exempt.

10. Q. Are sales for re-export quota exempt?

A. No. All deliveries of whole or ground spices for re-export must be charged to quotas.

11. Q. Are sales to state and municipal institutions quota exempt?

A. No.

12. Q. Are purchases of restricted spices by or for contract schools or ship suppliers quota exempt?
- A. The terms under which these may be quota exempt are set forth in Food Distribution Regulation Nos. 2 and 3.
13. Q. What are spice blends and how are they covered by the order?
- A. The term "spice blend" means the mixture of restricted spice with other restricted or unrestricted spice or some other material, which results in another spice product, such as, but not restricted to, pickling spice, curry powder, poultry seasoning, or imitation spice. A packer delivering spice blends must charge the restricted spices in such blends to his delivery quota. An industrial user who purchases spice blends for use in the processing of other products must charge the quantity of restricted spice in such blends to his use quota. A receiver is not required to charge spice blends to his acceptance quota.
14. Q. To what extent may quotas be carried forth or anticipated?
- A. That portion of a quota which is unused during any quota period may be utilized in the next succeeding quota period but only after the entire quota for that period has been used. Anticipation of quotas is no longer permitted by the order.
15. Q. How do deliveries of spices in original import packages apply to quotas?
- A. Deliveries of restricted spices in original import packages by a packer to another packer or to a bulk dealer are not chargeable to the packer's quota. Such deliveries made in the base period, however, may not be included in the amount against which a quota is computed.
16. Q. May a person substitute a spice on which he has an excess for another on which he has used his quota?
- A. No. Each restricted spice must be considered as an individual unit and figured on its specified quota percentage.
17. Q. May quotas be transferred?
- A. Quotas are not transferable under the Order. However, if a business is sold as a going concern the purchaser may apply to the Director for permission to utilize the quotas of the discontinued business, furnishing full particulars of the transaction.
18. Q. Are receivers or industrial users required to buy from the same suppliers in the same proportion as they did in 1941?
- A. No. A person may accept a quantity of restricted spices in various sized containers or from various suppliers regardless of his experience in the 1941 base period, provided the quantity in pounds is within his permissible quota.

19. Q. How may a person operate who was not in business during the 1941 base period?
- A. He may use as his base the earliest period of equal length after he started in business prior to the effective date of the order, May 8, 1942.
20. Q. Is there any other method to figure a quota other than the 1941 base period or as covered in the previous questions?
- A. Yes. Any person covered by the Order, and who has a quota, may use the alternative quota of 75 pounds quarterly of any one or combination of the restricted spices, but not more than 40 pounds of this 75 pounds may consist of any spice or combination of spices having a quota percentage of 60 or less. For example, a person may use a quota of pepper-20 pounds; cinnamon-20 pounds; total-40 pounds, and he may use, in addition, the balance of the 75 pounds in the other items that are over 60 per cent. For example, ginger-10 pounds; mace-10 pounds; nutmeg-15 pounds; total 35 pounds. Those in the first group are over 60 per cent in accordance with quota percentages now prevailing in Food Distribution Order 19.2, as amended. Of course, he may use the entire 75 pounds of spices with a quota percentage over 60.
21. Q. How may a multiple unit system or chain store use the alternative quota?
- A. Any person operating a group of stores may, under the provisions of FDO 19, 1455.1 (g)(3), as amended, consider any such units or groups of units as separate persons for the purpose of applying the quota. He may, therefore, set aside certain stores to operate under the alternative quota and in such case must deduct the quota of such stores utilizing the alternative quota from his total quota.
22. Q. Does FDO 19, as amended, regulate prices of spices?
- A. No. Price regulations are issued by the Office of Price Administration.
23. Q. What relief is offered in cases where the Order works undue hardship?
- A. Any person covered by this Order who considers that compliance would work an unreasonable hardship on him may petition in writing to the Director for relief, setting forth all pertinent facts and the nature of the relief sought.